



(Ireland.)

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[AS AMENDED BY THE COMMITTEE]

To enable Tenants for Life of Estates in *Ireland* to make Improvements in their Estates, and to charge the Inheritance with the Monies expended in such Improvements.

WH^{EREAS} it would lead to the improvement of property in *Ireland*, and be advantageous to the Public, if Tenants for Life were empowered, under proper restrictions, to make permanent improvements in their Estates, and to charge the Inheritance thereof with the Monies expended by them for that purpose; **B**E it therefore **E**ntacted, by The **Q**UEEN's most Excellent **M**AJESTY, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, **T**HAT from and after the passing of this Act, it shall and may be lawful for any Tenant for Life to apply by Petition to Her Majesty's Court of Chancery in *Ireland*, for leave to make any permanent improvements in the lands and hereditaments to which he shall be entitled, or any part thereof, either by draining, enclosing or planting the same, or otherwise rendering the same fit for cultivation; and in every such Petition shall be specified the improvements proposed to be made, and the estimated cost thereof; and every such Petition shall be referred to a Master of the said Court of Chancery, to inquire into and ascertain the propriety of such improvements being effected; and such Master shall and he is hereby required to call for such plans and estimates and specifications in relation to the said proposed improvements as he shall think fit, and shall cause the same to be laid before the Commissioners for the time being appointed for the extension and promotion of Public Works in *Ireland*, who shall and they are hereby required to report thereupon

Possible:

1.
Tenants for Life may apply to Court of Chancery for leave to make the improvements.

thereupon to such Master ; and after such Report shall have been made to and considered by such Master, he shall make his report respecting such proposal ; and the Court to which any such application shall be made shall make such order upon such Petition and Report, and as to the costs of the application, as such Court shall think fit, and as shall be in conformity with the provisions of this Act. 5

2.
Commissioners of Public Works may employ Surveyors.

And be it Enacted, That for enabling the said Commissioners of Public Works to make their Report according to the provision last hereinbefore contained, it shall be lawful for them, if they shall think fit, to employ a Surveyor to inspect the lands and hereditaments proposed to be improved, and to advise upon the improvements proposed to be made, and all expenses incidental to any such application to the said Commissioners shall, in the first instance, be paid by the tenant for life who presented the Petition, who, if required by the Board, shall pay the same in advance ; but shall afterwards be defrayed in such manner or by such persons as the Court to which the Petition shall be preferred shall direct. 15

3.
Copy of Petition to be served on Parties interested.

Provided always, and be it Enacted, That a copy of every such Petition shall be served Twenty-one Days at the least before the hearing thereof upon the person or persons entitled to the first vested estate of inheritance in remainder after the estate of the tenant for life, and every intervening tenant for life and other person having an intervening partial estate in the lands and hereditaments so proposed to be improved ; but if any of such persons shall be of unsound mind, or under the age of Twenty-one Years, or under any other legal disability, or beyond the limits of the United Kingdom of Great Britain and Ireland, then a copy of such Petition shall be served on his, her or their behalf upon such person or persons respectively as the said Court of Chancery to which the said Petition shall be preferred shall appoint for that purpose ; and every person upon whom a copy of any such Petition shall be so served, shall be at liberty to attend before the Master to whom such Petition shall be referred, and to consent or object to the proposal contained in such Petition. 25 30

4.
Tenant for Life may make Improvements, if the Court sanctions it.

And be it Enacted, That in every case where it shall be proved to the satisfaction of the Court to whom any such Petition shall be preferred, that the proposed improvements are proper and judicious, and will be advantageous to the persons entitled in reversion or remainder, and the said Court shall order or direct that the proposed improvements may be made, it shall be lawful for the tenant for life who shall have presented such Petition to make and execute such improvements accordingly. 35

And

And be it Enacted, That in every case where the said Court of Chancery shall, in pursuance of the provisions of this Act, have made an order sanctioning the execution of any improvements of any lands or hereditaments, and such improvements shall have been made accordingly, it shall be lawful for such Court, upon the Petition of the tenant for life who shall have made such improvements, to inquire into and ascertain the amount actually expended in such improvements, and upon proof thereof being made to the satisfaction of the said Court and the said Board of Works, to order and direct that the tenant for life who shall have made such improvements shall be at liberty to charge the inheritance of the lands and hereditaments so improved, and of all or any other lands and hereditaments situate in the same Barony, and held therewith under the same limitations contained in the same instrument or the same set of instruments, with three-fourth parts of the amount of the monies so expended, and the expenses of and incidental to the applications to the said Court, together with interest at any rate not exceeding Five Pounds per centum per annum.

5.
After improvements have been made, Court to ascertain what Money has been properly expended, and to order it to be charged on Inheritance.

Provided always, and be it Enacted, That the principal money to be so charged under or by virtue of the provisions aforesaid, shall in no case exceed the amount of Three Years' rent or clear yearly value of the said lands and hereditaments so authorized to be charged (to be ascertained by an average of the last Nine Years' rent or clear yearly value thereof), such rent or clear yearly value to be over and above all rates and taxes payable in respect of such lands and hereditaments, and all interest or charges affecting the said inheritance, except the interest of the money so to be charged in respect of such improvements.

6.
Money to be charged not to exceed Three Years' Rent or Value.

AND for ascertaining the average amount of the rent or clear yearly value of any lands and hereditaments, the inheritance of which shall be sought to be charged under the provisions of this Act, in respect of money expended in permanent improvements as aforesaid; BE it Enacted, That when any reference shall be made under the provisions of this Act as to the propriety of any improvements being carried into effect, or as to such money having been properly laid out, the Master to whom such reference shall be made shall inquire and report what has been the yearly rent or clear yearly value of the said lands and hereditaments so to be charged during the last Nine Years which shall have elapsed before the date of his said Report.

7.
Method of ascertaining the average Rent or yearly Value.

And be it Enacted, That when and so soon as or at any time after the said Court of Chancery shall have made any order under the provisions of this Act, directing that any money which shall have

8.
Tenants for Life may charge the Inheritance according to the order of the Court.

been ascertained to have been expended in permanent improvements, of any lands or hereditaments may be charged on the inheritance thereof, it shall be lawful for the tenant for life, who shall have obtained such order, his executor or administrator, to charge or demise the said lands and hereditaments so chargeable to or in favour of any person or persons whomsoever, for securing the repayment of such sum as shall be chargeable on the inheritance of the said lands and hereditaments, under the provisions of this Act, with all such costs of the application to the said Court as such Court shall direct to be so charged, and interest for the same respectively at the rate aforesaid; and if the tenant for life shall advance such sum and costs, then he or she shall have a lien on the inheritance for repayment thereof, with interest from his or her decease at the rate aforesaid.

9.
When Money
paid, Charge
is become
void.

Provided always, and be it Enacted, That when and so soon as the money secured by any such charge or demise shall be fully paid and satisfied by or on behalf of any persons or person who shall be entitled to the inheritance of and in the said lands and hereditaments, every such charge or demise shall be and become absolutely null and void.

10.
Persons en-
titled to re-
minder not
to be liable to
more than
Twelve
Months'
Interest.

Provided also, and be it Enacted, That no persons or person becoming entitled to the possession or receipt of the rents of the said lands and hereditaments, after the determination of any preceding estate or interest therein, shall be liable to pay any further or larger arrear of interest than for Twelve calendar Months next preceding the time when the title to such possession or receipt of rents shall have commenced.

11.
Master to in-
dorse on Deed
of Charge a
Statement of
the average
Rental.

And be it Enacted, That the Master by whom the average amount of rent or yearly value shall be ascertained as aforesaid, or his successor in office, shall and he is hereby required to indorse a statement of the amount thereof on every Indenture of charge or demise, and to sign the said indorsement and to set forth the date thereof; and every such statement shall be binding and conclusive.

12.
Tenant for
Life may ap-
ply to Com-
missioners
for Loans.

And be it Enacted, That it shall and may be lawful for any tenant for life, hereby authorized to make such improvements as aforesaid, to apply to the Commissioners appointed for carrying into execution the purposes of an Act of Parliament passed in the first and second years of the reign of his late Majesty King WILLIAM the Fourth, intituled, "An Act for Extension and Promotion of Public Works in *Ireland*," or any other Act to be hereafter passed for the like purpose, for the loan of any sum or sums of money for defraying

defraying the expenses of any such improvements proposed to be or in course of being made under the authority of this Act, at interest, after the rate and upon the terms mentioned in the said Act, or any other Act to be hereafter passed for the like purpose, for loans to individuals for the drainage or other improvement of lands.

And be it Enacted, That the term "Tenant for Life" shall extend to any person entitled, either legally or equitably, to an estate or interest in any lands or other hereditaments for the term of his or her own life, or for any term of years determinable on his or her life, including all Corporations, aggregate and sole, and also all Bishops, Parsons and other Ecclesiastical Persons, as to lands or other hereditaments held by them in those respective characters; but so that, as regards all Parsons and other Ecclesiastical Persons (except Bishops and Deans and Chapters), the consent of their Patron and Ordinary be obtained to the exercise of the powers of this Act; and in case such Ordinary or Patron shall not give such consent, a copy of such Petition as hereinbefore mentioned shall be served upon such Ordinary or Patron; and every such Ordinary or Patron so served with such Petition as aforesaid, shall be at liberty to attend before the Master to whom such Petition shall be referred, and to object to the proposal contained in such Petition.

13.
Definition of
term "Tenant
for Life" as
this Act.

Provided always, and be it Enacted, That the provisions of this Act shall not enable any Lessee to charge or in anywise affect the interest of his Landlord in any lands or other hereditaments held under or by virtue of a lease; but nevertheless any Lessee being such tenant for life in possession as hereinbefore mentioned, shall and may exercise all or any of the powers of this Act, so as to charge or bind the interest of every person entitled or interested in remainder after the determination of the estate or interest of such tenant for life, to or in the term, estate or interest granted or created by the lease under or by virtue whereof the lands or other hereditaments are so holden.

14.
Act not to
enable a
Lessee to
affect the
interest of
his Landlord.

And be it further Enacted, That this Act may be repealed or altered by any Acts or Act during the present Session of Parliament.

15.
Act may be
repealed or
altered.

Tenants for Life.

(Ireland.)

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B I L L

[AS AMENDED BY THE COMMITTEE]

To enable Tenants for Life of Estates in
Ireland to make Improvements in their
Estates, and to charge the Incumbents with
the Moieties expended in such Improvements.

(Proposed and brought in by
Mr. Lyne and Mr. Wyse.)

Ordered, by The House of Commons, to be Printed,
25 June 1837.
